



General Assembly

January Session, 2005

Raised Bill No. 1152

LCO No. 3721

03721_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

***AN ACT CONCERNING THE COMMISSIONER OF AGRICULTURE
AND EMERGENCY LICENSE, PERMIT AND REGISTRATION
SUSPENSION AND REVOCATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22-4c of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2005*):

3 (a) The Commissioner of Agriculture may: (1) Adopt, amend or
4 repeal, in accordance with the provisions of chapter 54, such
5 standards, criteria and regulations, and such procedural regulations as
6 are necessary and proper to carry out the commissioner's functions,
7 powers and duties; (2) enter into contracts with any person, firm,
8 corporation or association to do all things necessary or convenient to
9 carry out the functions, powers and duties of the department; (3)
10 initiate and receive complaints as to any actual or suspected violation
11 of any statute, regulation, permit or order administered, adopted or
12 issued by the commissioner. The commissioner may hold hearings,
13 administer oaths, take testimony and subpoena witnesses and
14 evidence, enter orders and institute legal proceedings including, but
15 not limited to, suits for injunctions and for the enforcement of any

16 statute, regulation, order or permit administered, adopted or issued by
17 the commissioner; (4) in accordance with constitutional limitations,
18 enter at all reasonable times, without liability, upon any public or
19 private property, except a private residence, for the purpose of
20 inspection and investigation to ascertain possible violations of any
21 statute, regulation, order or permit administered, adopted or issued by
22 the commissioner and the owner, managing agent or occupant of any
23 such property shall permit such entry, and no action for trespass shall
24 lie against the commissioner for such entry, or the commissioner may
25 apply to any court having criminal jurisdiction for a warrant to inspect
26 such premises to determine compliance with any statute, regulation,
27 order or permit or methods of manufacture or production ascertained
28 by the commissioner during, or as a result of, any inspection,
29 investigation or hearing; (5) undertake any studies, inquiries, surveys
30 or analyses the commissioner may deem relevant, through the
31 personnel of the department or in cooperation with any public or
32 private agency, to accomplish the functions, powers and duties of the
33 commissioner; (6) require the posting of sufficient performance bond
34 or other security to assure compliance with any permit or order; (7)
35 provide by notice printed on any form that any false statement made
36 thereon or pursuant thereto is punishable as a criminal offense under
37 section 53a-157b; (8) by regulations adopted in accordance with the
38 provisions of chapter 54, require the payment of a fee sufficient to
39 cover the reasonable cost of acting upon an application for and
40 monitoring compliance with the terms and conditions of any state or
41 federal permit, license, registration, order, certificate or approval. Such
42 costs may include, but are not limited to, the costs of (A) public notice,
43 (B) reviews, inspections and testing incidental to the issuance of and
44 monitoring of compliance with such permits, licenses, orders,
45 certificates and approvals, and (C) surveying and staking boundary
46 lines. The applicant shall pay the fee established in accordance with the
47 provisions of this section prior to the final decision of the
48 commissioner on the application. The commissioner may postpone
49 review of an application until receipt of the payment.

50 (b) In any hearing held on or after October 1, 1995, on an application
51 for any license issued by the commissioner, (1) the applicant shall pay
52 all costs of recording and transcribing the hearing if a transcript is
53 required by law, and (2) any applicant who requests a copy of a
54 transcript of a hearing for which a transcript is not required by law
55 shall pay to the department any expenses incurred by the department
56 in having such transcript prepared. In any proceeding held on or after
57 October 1, 1995, on a department order to enforce any statute,
58 regulation, permit or order administered or issued by the
59 commissioner, the respondent or other person taking an appeal from a
60 final decision of the commissioner shall pay all costs of recording and
61 transcribing the hearing if a transcript is required by law. Upon a
62 showing of indigency by such respondent or person, the court may
63 require the commissioner to pay such costs.

64 (c) If, in the opinion of the commissioner, the public health, safety or
65 welfare is at risk and emergency action is required, the commissioner
66 may order a summary suspension or revocation of any license, permit
67 or registration issued pursuant to this title. The person, firm or
68 corporation whose license is suspended or revoked shall be notified by
69 first-class mail, certified mail or personal service. The notice of
70 suspension or revocation shall be accompanied by a statement of facts
71 or conduct that warrant the suspension or revocation and by a
72 statement notifying the holder of such license, permit or registration of
73 his or her right to a hearing. If a hearing is requested by such holder no
74 later than thirty days after the receipt of the notice of suspension or
75 revocation, the commissioner shall promptly hold such hearing and
76 issue an order upholding, reversing or modifying the suspension or
77 revocation. If the commissioner determines the conditions or actions
78 that resulted in the suspension or revocation of a license, permit or
79 registration have been abated and the public health, safety or welfare
80 is no longer at risk, the commissioner shall immediately reinstate such
81 license, permit or registration.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2005</i>	22-4c
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Statement of Purpose:

To protect the health, safety and welfare of the public by allowing the Commissioner of Agriculture to revoke or suspend licenses, permits and registrations in emergency situations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]